

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

ROBERT B. MCGHEE,	)	
	)	No. CV-10-285-JPH
Plaintiff,	)	
	)	ORDER GRANTING STIPULATED
v.	)	MOTION FOR REMAND
	)	
MICHAEL J. ASTRUE,	)	(ECF No. 18)
Commissioner of Social	)	
Security,	)	
	)	
Defendant.	)	

BEFORE THE COURT is the parties' stipulated motion to remand this case to the Commissioner for further administrative proceedings (**ECF No. 18**) pursuant to sentence four. Maureen J. Rosette represents plaintiff. Special Assistant United States Attorney Daphne Banay represents defendant. The parties have consented to proceed before a magistrate judge (ECF No. 7).

After considering the stipulated motion (ECF No. 18), **IT IS ORDERED** that the **motion is GRANTED. The case is REVERSED and REMANDED** pursuant to sentence four of 42 U.S.C. § 405(g) for further administrative proceedings, including:

1. The ALJ will conduct further proceedings to obtain all of Dr. Margraf's treatment records.

2. The ALJ will further consider plaintiff's subjective complaints.

3. The ALJ will re-evaluate plaintiff's residual functional

1 capacity.

2 4. The ALJ will obtain supplemental vocational expert  
3 testimony at step five analysis of the sequential evaluation.

4 Because this remand is pursuant to sentence four with a  
5 remand to the Commissioner for further proceedings (*see Melkonyan*  
6 *v. Sullivan*, 501 U.S. 89 (1991)), plaintiff is entitled to  
7 reasonable attorney's fees and costs pursuant to 28 U.S.C. § 2412  
8 (a), (d), upon proper request to this Court.

9 IT IS FURTHER ORDERED:

10 1. The parties' stipulated motion for an order of remand  
11 pursuant to sentence four (ECF No. 18) is **GRANTED**.

12 2. Judgment shall be entered for **PLAINTIFF**.

13 3. An application for attorney fees and costs may be filed by  
14 separate motion.

15 4. The District Court Executive is directed to enter this  
16 Order, enter judgment for plaintiff, forward copies to counsel,  
17 and **CLOSE** the file.

18 **IT IS SO ORDERED.**

19 **DATED** this 12th day of August, 2011.

20  
21 s/James P. Hutton  
22 JAMES P. HUTTON  
23 UNITED STATES MAGISTRATE JUDGE  
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